

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SCOTT SIEGAL,

Plaintiff,

vs.

MASCOT PETROLEUM COMPANY, INC.
A SUBSIDIARY OF SUNOCO, INC. (R & M)¹

Defendant.

Civil Action No. 05-10648

**MOTION OF DEFENDANT MASCOT PETROLEUM COMPANY, INC. A DIVISION
OF SUNOCO, INC. (R&M) TO DISMISS**

Defendant Mascot Petroleum Company, Inc. a Division of Sunoco, Inc. (R&M) moves to dismiss Plaintiff's Complaint pursuant to Fed. R. Civ. P. 12(b)(6). Defendant moves to dismiss Plaintiff's Complaint based on the following grounds:

(1) Plaintiff's claim of discrimination under G.L. c. 151B (Count I) is barred because Plaintiff failed to file a timely charge of discrimination with the Massachusetts Commission Against Discrimination; and

(2) Plaintiff's claim for wrongful termination (Count II) is barred by his exclusive remedy under G.L. c. 151B.

In support of its motion, Defendant relies upon the accompanying Memorandum of Law.

¹ Defendant has been improperly named in this case as "Mascot Petroleum Company, Inc. a Subsidiary of Sunoco, Inc. (R & M)." In fact, Mascot Petroleum Company, Inc. is a division of Sunoco, Inc. (R&M).

LOCAL RULE 7.1(A)(2) CERTIFICATION

Defendant certifies that it conferred with Plaintiff in good faith to resolve or narrow the issue, but was unsuccessful.

Respectfully submitted,

MASCOT PETROLEUM COMPANY, INC.
A DIVISION OF SUNOCO, INC. (R & M)

By its attorneys,

/s/Richard W. Paterniti

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Dated: April 20, 2005